

## **Public Notice – Amendment of Water Quality Management Planning Regulation**

**Notice of action:** The State Water Control Board (Board) is considering the amendment of the regulation on water quality management planning in accordance with the Public Participation Procedures for Water Quality Management Planning. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

**Purpose of notice:** The Board is seeking comments through the Department of Environmental Quality on the proposed amendment. The purpose of the amendment to the state's Water Quality Management Planning Regulation (9 VAC 25-720) is to adopt nine Total Maximum Daily Load (TMDL) waste load allocations.

**Public comment period:** February 16 to March 16, 2009

**Description of proposed action:** DEQ staff will propose amendments of the state's Water Quality Management Planning regulation for the Potomac-Shenandoah River Basin (9 VAC 25-720-50.A), the Tennessee-Big Sandy river Basin (9 VAC 25-720-90.A), the James River Basin (9 VAC 25-720-60.A), and the Chesapeake Bay-Small Coastal Basin (9 VAC 25-720-110.A). Statutory authority for promulgating these amendments can be found in §62.1-44.15(10) of the Code of Virginia.

Staff intends to recommend 1) that the Board approve four TMDL reports and one TMDL modification as the plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, and 2) that the Board adopt nine TMDL waste load allocations as part of the state's Water Quality Management Planning Regulation in accordance with §2.2-4006A.4.c. and §2.2-4006B of the Code of Virginia.

The four TMDL reports and one TMDL modification were developed in accordance with federal regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative

Process Act. The reports were subject to the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDLs presented under this public notice. The approved reports can be found at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx>

#### **Affected Waterbodies and Localities:**

##### **Potomac - Shenandoah River Basin (9 VAC 25-720-50.A):**

*"Benthic TMDL Development for Difficult Run, Virginia"* - The benthic TMDL for Difficult Run, located in Fairfax, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 3,663.2 T/TR.

*"Opequon Watershed TMDLs for Benthic Impairments: Abrams Creek and Lower Opequon Creek, Frederick and Clarke Counties, Virginia" modification -*

-Abrams Creek, located in Frederick and Winchester Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 1039 T/YR.

\_Lower Opequon, located in Frederick and Winchester Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 1039 T/YR.

##### **Tennessee-Big Sandy river Basin (9 VAC 25-720-90.A):**

*"Lick Creek TMDLs for a Benthic Impairment Dickenson, Russell, and Wise Counties, Virginia"*

-Lick Creek Benthic TMDL, located in Dickenson, Russell and Wise Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 63 T/YR.

-Cigarette Hollow Benthic TMDL, located in Dickenson, Russell and Wise Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 0.4 T/YR

-Laurel Branch Benthic TMDL, located in Dickenson, Russell and Wise Counties, proposes sediment

reductions for portions of the watershed and provides a sediment wasteload allocation of 3.9 T/YR

-Right Fork Benthic TMDL, located in Dickenson, Russell and Wise Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 1.3 T/YR

**James River Basin (9 VAC 25-720-60.A):**

*“Benthic TMDL Development for the Rivanna River Watershed”* - The Benthic TMDL for the Rivanna River Watershed, located in the City of Charlottesville, and covers portions of four counties: Albemarle, Greene, Nelson, and Orange counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 10,229 lbs/day.

**Chesapeake Bay-Small Coastal (9 VAC 25-720-110.A):**

*“Benthic Total Maximum Daily Load (TMDL) Development Parker Creek, Virginia”*- The benthic TMDL for Parker Creek, located in Accomack County, proposes Total Phosphorus reductions for portions of the watershed and provides a TP wasteload allocation of 664.2 lbs/yr.

**How to comment:** The DEQ accepts written comments by email, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

**How a decision is made:** After comments have been considered, the board will make the final decision. Citizens that submit statements during the comment period may address the board members during the board meeting at which a final decision is made on the proposal.

**To review documents:** The TMDL reports and the proposed regulatory amendments are available on the DEQ web site at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx> and by contacting the DEQ representative named below. The electronic copies are in PDF format and may be read online or downloaded.

**Contact for public comments, document requests and additional information:**

David S. Lazarus; Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218

Phone: (804) 698-4299 E-mail: [dslazarus@deq.virginia.gov](mailto:dslazarus@deq.virginia.gov) FAX: (804) 698-4116